

FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

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July 26, 2007

Barry A. Friedman, Esq.
Thompson Hine LLP
1920 N Street NW, Suite 800
Washington, DC 20036-1600

Re: Gow Communications, LLC
KILE (AM), Bellaire, Texas
Facility Identification Number: 17389
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed July 10, 2007, on behalf of Gow Communications, LLC ("GC"). GC requests special temporary authority ("STA") to add nighttime operation. In support of the request, GC states that Station KILE holds Construction Permit BP-20060118ADS to add nighttime service to its currently licensed daytime-only service; however, implementation of the permit has been prevented by failure to obtain the necessary local land use approvals. GC states that it and predecessor licensee The RAFTT Corporation have faced years of frustration in finding a suitable site from which it can operate at night. GC requests STA for nighttime operation with temporary facilities pending resolution of these issues. GC further argues that, because a construction permit has been issued, grant of the requested STA would not result in establishment of new service via STA.

Our review indicates that Station KILE currently is licensed for daytime only operation. Section 73.1635(c) of the Commission's rules¹, states:

No request by an AM station for temporary authority to extend its hours of operation beyond those authorized by its regular authorization will be accepted or granted by the FCC except in emergency situations conforming with the requirements of § 73.3542, Application for Emergency Authorization. See also § 73.1250, Broadcasting Emergency Information.

Section 73.3542 applies only to actual emergencies which involve danger to life and property or national emergencies proclaimed by the President or Congress. It does not apply to the general desire of a licensee to extend its broadcast schedule. In response to GC's contention that nighttime operation has been authorized by issue of a construction permit, we note that, under the "two-step process" set forth in the Communications Act of 1934, a construction permit authorizes the construction of facilities. Upon completion of construction in accordance with the terms and

¹ 47 CFR § 73.1635(c).

conditions of the permit, a permittee may apply for a license to operate the facilities.² Here, although the Commission has granted a construction permit for nighttime facilities, GC has not completed construction in accordance with the terms and conditions of the permit (nor is there certainty that it will be able to do so); thus, a license for nighttime operation cannot be issued. Consequently, because the requested STA would violate the provisions of Section 73.1635(c), we must deny the request.

For the reasons discussed above, the request for STA IS HEREBY DENIED. This action is taken pursuant to 47 CFR § 0.283.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Gow Communications, LLC

² See 47 USC §§ 319(a), (c).